

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**BARRY BROOKS, On Behalf of Himself and All
Others Similarly Situated,**

Plaintiff,

v.

**BIOPURE CORPORATION, THOMAS A.
MOORE, CARL W. RAUSCH and RONALD F.
RICHARDS,**

Defendants.

**CIVIL ACTION
NO. 04-10077-NG**

**MOTION FURTHER EXTENDING TIME TO
ANSWER, MOVE OR OTHERWISE RESPOND TO
PLAINTIFF'S CLASS ACTION COMPLAINT**

Defendants Biopure Corporation, Thomas A. Moore, Carl W. Rausch and Ronald F. Richards hereby move for an Order further extending the time to answer, move or otherwise respond to Plaintiff's Complaint up to and including forty-five days after the Consolidated Amended Class Action Complaint has been filed.

In support of their motion, Defendants state as follows:

1. Defendants currently have until March 15, 2004 to answer, move or otherwise respond to Plaintiff's Class Action Complaint.
2. Plaintiffs in this matter and all related securities class actions have filed motions to consolidate, appoint lead plaintiffs and approve Plaintiffs' selection of lead counsel ("Plaintiffs' motions") which are currently pending. Once Plaintiffs' motions have been decided, a Consolidated Amended Class Action Complaint will be filed.
3. Counsel for Plaintiff and Defendants conferred and were unable to reach an agreement on the extension of the deadline to answer, move or otherwise respond to Plaintiff's Class Action Complaint.

WHEREFORE, Defendants respectfully request that the Court enter an Order further extending the time for Defendants to answer, move or otherwise respond to Plaintiff's Complaint up to and including forty-five days after the Consolidated Amended Class Action Complaint has been filed.

**BIOPURE CORPORATION, THOMAS A.
MOORE, CARL W. RAUSCH and
RONALD F. RICHARDS,**

By their attorneys,

/s/ Eunice E. Lee

Robert A. Buhlman, BBO #554393

Eunice E. Lee, BBO #639856

BINGHAM MCCUTCHEN LLP

150 Federal Street

Boston, MA 02110-1726

(617) 951-8000

Dated: March 15, 2004

LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned counsel for Defendants hereby certify that she conferred with counsel for Plaintiff on March 11, 2004, in a good faith attempt to narrow the issues presented in this motion. Despite their best efforts, the parties were unable to come to an agreement.

/s/ Eunice E. Lee

Eunice E. Lee

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was electronically served upon the attorney of record for each party by regular mail on March 15, 2004.

/s/ Eunice E. Lee

Eunice E. Lee